

MINUTES
GREEN BAY PLAN COMMISSION
Monday, December 7, 2015
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard—Chair, Tim Gilbert-Vice Chair, Sid Bremer, Ald. Jerry Wiezbiskie, and Tim Duckett

MEMBERS EXCUSED: Heather Mueller

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Stephanie Hummel, Shawn McKibben, Garritt Bader, Ald. David Nennig

APPROVAL OF MINUTES:

Approval of the minutes from the November 9, 2015, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to approve the minutes from the November 9, 2015, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

OLD BUSINESS:

NEW BUSINESS:

1. (ZP 15-24) Discussion and action on the request from the Economic Development Authority to amend the I-43 Business Center Planned Unit Development by changing the land use designation of Parcel 21-171-2, located in the 3450 Block of East Mason Street, from Exclusive Office-Entertainment to Light Manufacturing. (Ald. Tom De Wane, District 2)

K. Vonck stated that this is a City-owned parcel that is located at the far east of I-43 Business Center at the SW corner of Mason Street and Erie Road. The Economic Development Department has had interest from potential industrial clients for this particular parcel and has questioned the zoning of the parcel. They have not had any requests from clients that would fit in the Exclusive Office-Entertainment District. It would be better suited for the City to sell the land if it was zoned as industrial. The zoning is compatible with the Comp Plan. There have been no calls in terms of opposition to changing the zoning and staff is recommending approval of the request.

S. Bremer asked K. Vonck if the rezoning would be light industrial, in which he replied that was correct and that it would be geared more towards warehousing, light manufacturing, and logistic type companies. M. Conard asked K. Vonck what is the zoning across from the parcel currently. K. Vonck stated it was Low Density Residential.

Commissioners agreed this would be a good fit for the area.

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to amend the I-43 Business Center Planned Unit Development by changing the land use designation of Parcel 21-171-2, located in the 3450 Block of East Mason Street, from Exclusive Office-Entertainment to Light Manufacturing. Motion carried.

2. (ZP 15-25) Discussion and action on the request to amend a Conditional Use Permit (CUP) for an Assisted Living Facility located at 421 Erie Road, submitted by Oak Park Properties of Green Bay. (Ald. J. Wiezbiskie, District 1)

S. Hummel stated this is part of the Grandview Place Project and a CUP was recently approved. It was originally approved for 36 assisted living units, 28 memory care units, and 25 skilled nursing units. They are now looking to add 15 additional memory care units. A proposed building site plan was shown to commissioners showing the one story addition. There is no parking, landscaping, or access issues with the addition. It is just the addition onto the building with site plan approval. Planning staff is recommending approval subject to the condition that any additional expansions will require an amendment to this CUP.

Ald. J. Wiezbiskie asked with the addition of this building, does this fill up their property and leave no room to add any additional buildings. S. Hummel stated that on that side of the property there would be no additional space for adding on. Ald. J. Wiezbiskie asked with the new building if there were any green space or water run-off issues. S. Hummel stated that they will make sure that all requirements are met as they go through the site plan review process. Currently all requirements are being met.

S. Conard suspended the rules for public comment.

Shawn McKibben – 719 Jupiter Drive, Madison: S. McKibben stated he was here to answer any questions regarding the proposed addition.

S. Bremer asked S. McKibben with the addition of the memory care units, if this would eliminate the possibility of future expansions to the north and south of the wing. S. McKibben stated that the shape of the new addition is different than what was originally planned for an expansion. Originally they were going to have additional skilled nursing units, however, the State controls the number of beds and the beds they were hoping to get did not work out and they ended up dropping the additional skilled nursing units. The location was shown to Commissioners where skilled nursing units would be placed if they can get a contract. S. Bremer confirmed with S. McKibben that this plan would increase the green space. S. McKibben stated yes, compared to what it was before.

Ald. J. Wiezbiskie asked if they expect an increase in traffic with the additional memory care units. S. McKibben said he did not expect anything to change.

M. Conard returned the meeting to regular order of business.

A motion was made by T. Gilbert and seconded by T. Duckett to amend a Conditional Use Permit (CUP) for an Assisted Living Facility located at 421 Erie Road. Motion carried.

3. (ZP 15-26) Discussion and action on the request to rezone the future lots proposed at 1905 & 1911 Main Street from General Commercial (C1) to Highway Commercial (C2), submitted by Garritt Bader GB Real Estate Investments, LLC. (Ald. A. Nicholson, District 3)

P. Neumeyer stated this is a request to rezone property located at 1905 & 1911 Main Street to permit a financial institution with a drive-thru and a drive-thru restaurant. The surrounding area is currently zoned General Commercial (C1) and the Comprehensive Plan does recommend commercial land uses. Ald. A. Nicholson and affected property owners were notified of the request. No calls or questions were received regarding the request. Staff is recommending approval of the request.

Ald. J. Wiezbiskie inquired about the proposed uses.

M. Conard suspended the rules for Public Comment.

Garritt Bader – 300 N. Van Buren, acknowledged that a financial institution was planned along with a drive-thru restaurant, however, signed leases are not in place yet and he cannot disclose the proposed tenants.

S. Bremer stated that her concern is with the eastern portion of the lot and the close proximity of the homes as they do not have a lot of protection, except for the dilapidated fences. G. Bader stated that all will be taken care of and is part of their plan. They will be adding a drain and slightly redesigning the retention ponds for the standing water along with some sort of a berm. S. Bremer then asked G. Bader if he knew what the hours of operation would be for the restaurant. G. Bader stated that the bank will not be a 24-hr business; however, the restaurant does have the capability of being a 24-hr restaurant, but currently is not slated to be one. S. Bremer asked if there could be a way to minimize the drive-thru in such a way to minimize car light interference within the residential area. G. Bader stated there should be very little impact regarding lights disturbing the residential area.

M. Conard asked if there will be any new fencing placed along with the trees. G. Bader stated he does not like adding fencing because over time they need to be replaced and are not cost effective. They plan on using trees that will grow together and act as a natural fence. M. Conard stated that with the drive-thru, it would make sense to add the privacy fencing and it would be helpful to the neighbors. Both Ald. J. Wiezbiskie and S. Bremer agreed with privacy fencing along with the tree screen.

M. Conard returned the meeting to regular order of business.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to rezone the future lots proposed at 1905 & 1911 Main Street from General Commercial (C1) to Highway Commercial (C2). Motion carried.

4. (ED 15-03) Discussion and action on the request to discontinue a sanitary sewer easement located at 1940 Main Street, submitted by Garritt Bader, GB Real Estate Investments, LLC. (Ald. A. Nicholson, District 3)

S. Hummel stated this is a discontinuance of a sewer easement that was originally dedicated to the Town of Preble in the 1930's. There is no sewer utility that runs through it anymore and it is no longer being used. AT&T does have a line underground that goes through, however, they are not opposed to the easement being discontinued and recommend the relocation of AT&T's existing facilities be compensable. Ald. A. Nicholson, affected agencies, and property owners were notified of the request. There were no objections or calls received regarding the request. Planning staff is recommending approval to include the above-mentioned condition.

A motion was made by S. Bremer and seconded by Ald. J. Wiezbiskie to discontinue a sanitary sewer easement located at 1940 Main Street. Motion carried.

5. (SV 15-03) Discussion and action on the request to vacate a portion of unimproved right-of-way at 1940 Main Street, submitted by Garritt Bader, GB Real Estate Investments, LLC. (Ald. A. Nicholson, District 3)

S. Hummel stated this is the second part of the request for 1940 Main Street. This is a request to vacate an unused portion of right-of-way along Main Street and attach it to the 1940 Main Street parcel. A portion of the right-of-way for the subject parcel has already been vacated; this request would address the remaining balance of the right-of-way. Planning staff is recommending approval of the request with the conditions that an easement over the entire area for the City for an existing sewer line be retained and the Green Bay Water Utility retain the right to move their existing water utility curb boxes out of this right-of-way area.

A motion was made by T. Gilbert and seconded by T. Duckett to vacate a portion of unimproved right-of-way at 1940 Main Street. Motion carried.

6. (TA 15-07) Discussion and action on the request from Planning staff to amend Chapter 13-519(g) regarding parking of recreational vehicles for tenants.

P. Neumeyer stated this is a text amendment to Chapter 13 regarding recreational vehicles and general regulation requirements. A few years back there was a text amendment done to bring the recreational vehicle requirements up to code. Just recently it was recognized an amendment should be made to address legal tenants of the property, and not just owners.

Staff was then approached and asked about renters. The intention was to have owners as well as renters or legal tenants to have the ability to park recreational vehicles on the property. Staff is recommending approval and would like to change the requirement (g) to read:

(g) Recreational vehicles must be operational and owned by and registered to the owner or the legal tenant of the property and must bear current license registrations as applicable.

A motion was made by S. Bremer and seconded by T. Gilbert to amend Chapter 13-519(g) regarding parking of recreational vehicles for tenants subject to the following:

(g) Recreational vehicles must be operational and owned by and registered to the owner or the legal tenant of the property and must bear current license registrations as applicable.

7. (TA 15-05) Discussion and action on the request by the Plan Commission to revisit the notification process to affected property owners as it may relate to comprehensive plan amendments and zoning petition requests.

P. Neumeyer stated that this item has been brought up at the past couple of meetings regarding notification for rezoning and comprehensive plan amendments. At the last meeting, the Commission asked that staff bring back some language to look at regarding the notification process. P. Neumeyer briefly went through the recommendations for the notification process for both comprehensive plan amendments and zoning petitions with Commissioners. A conversation then ensued between Commissioners and P. Neumeyer. M. Conard stated the area she doesn't think is covered is the surrounding rural properties. It covers the area around the property that is being rezoned, but not in a rural area where the houses are more than 100

ft. away, and no one will get a notification. T. Duckett asked if it could be amended to say one or two city blocks, where it would equate to “x” amount of miles instead of feet in a rural setting.

P. Neumeyer stated that they are trying to keep the notification process as simple as possible and pointed out the fact that a “city block” can vary in distance. Ald. J. Wiezbiskie stated that is the time when you would want to involve the alderman for that district. S. Bremer and M. Conard both agreed.

S. Bremer stated that she is comfortable with the language and no matter what is done, someone will always be unhappy they didn’t get notified. She suggested that public postings, as done with comprehensive plan amendments, be written into the notification process to state: *to continue to notice neighborhood associations, business districts, or other special interest groups affected by the request; and to publish a Class I Public Notice in the Green Bay Press Gazette as well as a public notice on the City website and the City’s Facebook page.* She believes once the public notices are in shape, it would be easy to expand the number of places they get published and notice the general public. She then asked if there was any reason this couldn’t be done.

P. Neumeyer stated that a Class I publication is required per state statute for the comp plan amendments but not for rezonings. S. Bremer then asked that a publication be put out on the City website and Facebook. P. Neumeyer stated that could be done or posted on any available social media.

T. Duckett asked about emailing and texting notifications. P. Neumeyer stated that would be a perfect way to notify. However, they don’t have the advanced technology to do this, but maybe it could be done in the future.

M. Conard stated she liked that the notice be posted on social media and the City’s website and maybe require people to sign up and a notification will be sent to them if anything comes up in their neighborhood. It was also suggested to list the types of social media the notification has been published on.

A motion was made by S. Bremer and seconded by T. Gilbert to modify the notification process to affected property owners as it may relate to comprehensive plan amendments and zoning petition requests to read the following:

The Commission will notify property owners within 200 ft. of a pending rezoning and/or comprehensive plan amendment if the total requested area is less than 3 acres in size. For areas greater than 3 acres, the Commission will notify property owners within 400 ft. of the total requested area. The Commission directs staff to contact the affected Alderperson(s) to determine if additional notification is necessary as a result of unique circumstances related to the request or neighborhood; and to continue to notice neighborhood associations, business districts, and any other special interest group that may be affected by a request. Notices shall also be placed on available social media platforms as adopted by the City of Green Bay.

INFORMATIONAL:

8. (TA15-06) Discussion on the request by the Plan Commission to review standards related to transient residential uses.

P. Neumeyer stated this is a request from the Plan Commission to discuss standards regarding Transient Residential Permits (TRPs). It was discussed at a previous Plan Commission meeting to bring back TRP guidelines and discuss issues pertaining to density requirements, precedents, and how TRPs are alike or differ from Bed & Breakfast (B&B) regulations.

A discussion then ensued between all. P. Neumeyer discussed the difference between TRPs and B&Bs. P. Neumeyer stated they are two different types of uses and both require Conditional Use Permits (CUP). TRPs are like the Packer houses and rent for 28 days or less and are required to obtain a CUP. A B&B is short periods of ongoing rentals, but it is someone's primary residence where they rent out rooms. The current Development Standards for TRPs are included in the meeting packet. P. Neumeyer then gave a brief synopsis on the number of TRPs that have come through and were granted and denied. The main determination is looking to the neighborhoods and getting feedback from them. The session tonight is to get feedback from Commissioners.

M. Conard asked what is it considered when someone books online to rent a room in someone's house and if that would be considered to be a B&B. P. Neumeyer stated it would if it was a primary residence; however, this is getting into a gray area. There are many websites out there that rent places and are impossible for staff to track. The policy of the Council has been to act on complaints.

S. Bremer stated one of the issues raised by Airbnb was whether private room rentals have to abide by requirements placed on hotels/motels, tourist rooming houses and B&Bs. Part of the legal hassle has been that the Airbnb's have been getting around that ruling and it's unfair to other B&Bs who are licensed.

Ald. J. Wiezbiskie then informed Commissioners that the approval of the last TRP was made on the premise that the owner lives in the other half of the duplex. He stated he would be willing to dictate that and have the owner there as well. He did not like the fact that the owner had issues renting out the house and therefore made it into a transient home, which is what they have been trying not to do with these TRPs. He does not want to see a snowball effect where if someone can't rent their home they turn it into a TRP and would like to see restrictions placed so people can't keep coming back. He would like to research if other municipalities have TRPs and if they do, what are their rules and regulations.

Ald. D. Nennig stated he was one who voted against the last TRP and made a motion to refer the item back to the Plan Commission. It would be interesting to see how other municipalities handle these situations, especially those who may rent their home while they are in Florida or something to that effect for the winter. He would like to see more studies as these issues will come up again. As for those TRPs that were denied, they could come back again.

S. Bremer asked P. Neumeyer if there are restrictions if someone wants to rent their house out for a period lasting longer than 28 days. P. Neumeyer stated no. S. Bremer asked P. Neumeyer if a model was used in the creation of the TRP ordinance. P. Neumeyer stated that it is based on several communities and not just one model. S. Bremer stated that Door County is a great model as well as the Wrigley Field sports venue neighborhood setting to see how they are set up as far as guidelines and regulations. S. Bremer is leery about leaving the guidelines as they are because some of the language contained in the Development Standards is a little strong. She stated she would like to amend the opening paragraph of the Develop Standards section to note that commercial uses "can be" incompatible with a neighborhood's character and to provide more specific density standards to minimize the potential for incompatibility

S. Bremer stated that the Standards are all good except for “c” in #14, which she feels is the most critical standard and has struggled with, because it does not state a standard, but a statement of a concern. She would like to see that changed to read “The density or amount of the applicant’s property to any other Transient Residential Uses operating under a Conditional Use Permit previously issued by the Common Council within 500 ft. does not give the residential neighborhood a predominately commercial character. There are two issues; one is intensity, where the residential character of the neighborhood is not disrupted by the addition of the TRP. The other item has to do with the boundaries. S. Bremer then asked that since they were trying to keep TRPs in one area, that with the few on Oneida Street and now the one on Langlade, if that would now be considered “spot” zoning. P. Neumeyer stated no because they are not changing the zoning of the property, it is a conditional use for the property.

S. Bremer stated that it should be clarified if they want to keep it just in the Shadow Lane area so people don’t go thinking they can do this elsewhere. The things that made the difference for her with the last TRP request outside Shadow Lane area were the owner living in the other half of the duplex along with the strong support of the neighbors.

M. Conard wanted to know the legal perspective whether or not they can choose to do just one area, like just in the Stadium District. She also stated that before changing anything with the standards, they need to see how other municipalities TRPs are handled. There could be something that could be used to help customize our standards.

T. Gilbert stated that when the City ordinance was amended for parking in the front setback to accommodate for Packer games or any event at the stadium or arena, it was on a City wide basis. He asked if it was done because they couldn’t designate one specific area. If that is the case wouldn’t that pertain to the TRPs as well? M. Conard stated that it was specified for certain events. T. Gilbert stated they did specify a specific time but not a specific area and thinks it should pertain to the TRPs as well.

P. Neumeyer stated it would be easier to do that; otherwise a PUD would need to be developed. P. Neumeyer pointed out that the CUPs for the TRPs are not transferrable and are not forever. If a person sells their property, a new owner would have to apply for a CUP. The TRPs on S. Oneida and Langlade are unique because they are owner occupied, whereas most of the homes on Shadow Lane are single family homes. He also stated regarding the restrictions on the TRPs, they are one of the most restricted uses in the Zoning Code. S. Bremer stated she wants a policy that is defensible and feels the policy is working. P. Neumeyer stated that the policy is more for the Plan Commission as guidelines. S. Bremer stated this should also be used for Common Council. A conversation continued regarding the policy set in place for Shadow Lane. S. Bremer stated that they should make it a policy that the people know about and is clear and that the Common Council can look to as well. This would address the issue of intensity and could be part of what is worked into “c” so that it is a statement of standard. The standard might be that the addition of this new house would not be such that there are any more than 3 houses contiguous to one another or any more than 50 percent given over to TRP’s.

P. Neumeyer confirmed with S. Bremer that they want the policy to be broadened to include not just Shadow Lane and to make it City wide. S. Bremer said she would like the policy to address how they would define something that doesn’t become too dense and how extensive they are willing to let this be in the City.

M. Conard stated she would like to compare their policy with other policies from other communities or vacation areas. S. Bremer stated they want a strong policy to follow so they don't end up judging personalities.

K. Vonck stated he believes the policy and the CUP that is in place now is working in terms of the applicant coming forward and convincing our staff, the Plan Commission, and neighbors or alderperson for that area that they deserve this permit. The Plan Commission and City Council still have the ability of attaching whatever recommendations or conditions that go along with that permit. He again reiterated that the CUP is the best tool the City has in terms of how restrictive you want to be. The TRPs are a privilege that can be conditioned with the ability to revoke that privilege if the conditions are not followed or broken. Maintaining the CUP as part of this is something that we should not change. He also suggested that if they are looking at this, it should be City wide.

M. Conard asked about the Airbnbs and if that negates everything they have done. K. Vonck stated that in some communities they have taken a proactive approach to Airbnbs. It is possible to look at Airbnbs to see who is on there and proactively bring that in, but believes it goes against City Council and staff's general policy of acting to complaints and issues.

M. Conard asked about placing the policy on the City's website so that the public can reference the rules regarding TRPs and B&Bs and even information regarding an Airbnb. K. Vonck stated that would be a good idea.

They all agreed that the CUP has worked for the TRPs. P. Neumeyer stated the two major points that staff should bring back more information on is what other communities have in place for a policy/standard and that some of the policies should be rolled into the City ordinance to be more restrictive. P. Neumeyer stated they will bring this information back to the Plan Commission early next year. M. Conard stated that the standards should be made more visible on the website.

S. Bremer asked how Commissioners felt about restricting the locations of TRPs or would they have to open it City wide. M. Conard stated she thinks they have to let it be City wide because legally it can't be confined to one area and there are other events that happen in the City other than those at Lambeau Field. S. Bremer stated that she wants the policy to be as honest as to what they do or can be.

OTHER:

Director's Update on Council Actions

K. Vonck reported the following information:

- The following actions were taken at the last City Council meeting: Ald. Wery's request to create an overlay zoning for adult entertainment establishments in the Stadium District was pulled and combined with his request to amend the Comprehensive Plan to create a "Stadium District". The TRP for 1074 Langlade Avenue was approved as well as all other items submitted by the Plan Commission.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by S. Bremer and seconded by T. Gilbert to adjourn. Motion carried.

Meeting adjourned at 7:23 p.m.